

Subject: Bad River TAS news article
From: CN=Daniel Cozza/OU=R5/O=USEPA/C=US
To: CN=Barbara Wester/OU=R5/O=USEPA/C=US@EPA CN=Rodger Field/OU=R5/O=USEPA/C=US@EPA CN=Steve Dodge/OU=R5/O=USEPA/C=US@EPA CN=Kathleen Mayo/OU=R5/O=USEPA/C=US@EPA CN=David Horak/OU=R5/O=USEPA/C=US@EPA CN=Patricia Thompson/OU=R5/O=USEPA/C=US@EPA CN=Phillippa Cannon/OU=R5/O=USEPA/C=US@EPA CN=Mary Canavan/OU=R5/O=USEPA/C=US@EPA CN=Fred Leutner/OU=DC/O=USEPA/C=US@EPA CN=Jennifer Ostermeier/OU=R5/O=USEPA/C=US@EPA CN=Frances Desselle/OU=DC/O=USEPA/C=US@EPA CN=Jeff Besougloff/OU=DC/O=USEPA/C=US@EPA CN=Luke Jones/OU=R5/O=USEPA/C=US@EPA CN=Gary Hudiburgh/OU=DC/O=USEPA/C=US@EPA CN=Joe Edgell/OU=DC/O=USEPA/C=US@EPA CN=Amy Newman/OU=DC/O=USEPA/C=US@EPA
Cc:
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From July 3, 2009 The Daily Press, Ashland, WI:

Bad River granted water quality standard authority

By CHAD DALLY
Staff Writer

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ODANAH — The Bad River Band of Lake Superior Chippewa has been granted authority to establish its own water quality standards for waters within the Tribe's boundaries, the U.S. Environmental Protection Agency announced Thursday.

The EPA decision only grants the Tribe the right to the same treatment as states, or TAS, in regulating water bodies within the reservation. Bad River must now continue the process by actually setting standards for those bodies of water — a procedure requiring another round of public comments. A third step includes yet another round of public comment and a decision by the EPA whether to grant the Tribe enforcement authority of those standards.

Bad River and the Lac Du Flambeau Band of Lake Superior Chippewa both have been granted TAS authority. The Sokaogon Chippewa, and the Fond du Lac and Grand Portage Bands of Minnesota Chippewa all have approved water quality standards within their reservations.

Currently, there are no water quality standards for the Bad River Reservation. State water quality standards do not apply to the reservation, and when questions over standards arise, the Tribe generally falls back on federal regulations, Dan Cozza, tribal program manager for the EPA's Region 5 water division, has said.

While any standard approved by the EPA would not extend the Tribe's regulatory authority to off-reservation water, it would spur negotiations with the state and/or EPA if differences arise over any body of water that crosses the reservation boundary. Cozza has also said it would be similar to any Wisconsin river that flows into Illinois, in that Wisconsin would have to comply with downstream standards.

The Tribe is not applying to regulate pollution discharges, nor does the TAS designation grant it that authority. Instead, the EPA retains permitting authority under the National Pollutant Discharge Elimination System (NPDES) for both on- and off-reservation waters.

The State of Wisconsin has not objected to the Tribe's authority over water bodies, according to EPA documents posted on the agency's Web site. While the state did submit comments in 2006, neither the Wisconsin Department of Natural Resources nor the state as a whole had any comment on the recently

released findings of fact in relation to TAS authority, according to the documents.

Naomi Tillison, water resources specialist for Bad River, was out of town Thursday and could not be reached for comment.